

NOTICE

CITY OF CUSHING

SEXUAL HARRASSMENT

POLICY

POLICY

Harassment, of any type, will not be tolerated within the employ of the City, Municipal Authority, or any other body or group of employees over whom the City Manager exercises management control.

DEFINITION

Sexual harassment is a form of sex discrimination and is unlawful under Title VII of the 1964 Civil Rights Act. Sexual harassment is defined as deliberate or repeated behavior of a sexual nature, which is unwelcome. It can include verbal comments, suggestions, jokes or pressure for sexual favors. It can include non-verbal behavior such as suggestive looks, and physical behavior such as pats, squeezes, brushing against someone, or other sexual contacts. It is sexual harassment when submission to, or rejection of, such advances can either positively or negatively affect an employee's present or future position, or if it causes an intimidating, hostile or offensive work environment.

Sexual harassment can occur between a supervisor and subordinate, among fellow employees or with non-employees and employees in the work place. Sexual harassment negatively affects morale and job performance. It exults in increased absenteeism, turnover, and a loss of productivity. **It is inappropriate, offensive, and illegal and will not be tolerated.**

COMPLAINTS

Employees who experience sexual harassment or who witness sexual harassment in the work place should immediately bring it to the attention of the proper supervisory person. Normally, this would include following the chain of command unless the person in the supervisory chain is the person doing the harassing.

EMPLOYEE RESPONSIBILITY

An employee is encouraged to seek quick and proper response, which would include;

- a. Telling the offender to STOP
- b. If the behavior continues, report the offense to a supervisor
- c. If the harassment continues or if the supervisor does not respond (or is involved), report the offense to the Department Head
- d. If there is no response from the Department Head (or is involved), report the offense to the City Manager or City Attorney

CITY RESPONSIBILITY

- a. Treat each complaint as serious
- b. Advise complainant of rights
- c. Require employee to sign complaint against offender
- d. Begin investigation of every complaint within 24 hours or receipt of complaint. (Excluding weekends and holidays)
- e. Conduct an investigation in as confidential manner as possible
- f. Conduct formal hearing (hearings done at the administration level)
- g. Advise complainant of outcome of hearing

GENERAL ORDER 04-54

SUBJECT: RACIAL PROFILING

Adopted: 01-01-10 Chief: Terry Brannon Reevaluation Date: 01-01-2012
--

I. INTRODUCTION AND PURPOSE

For purposes of this policy, racial profiling shall be defined as the detention, interdiction or other disparate treatment of an individual solely on the basis of the racial or ethnic status of such individual.

II. POLICY

No officer or employee of the Cushing Police Department shall engage in racial profiling.

The race or ethnicity of an individual shall not be the sole factor in determining the existence of probable cause to take into custody or to arrest an individual or in constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.

If an officer or employee is found in direct violation of the department's policy regarding racial profiling, the department shall take appropriate action consistent with applicable laws, rules, ordinances or policy.



P. O. BOX 311 • CUSHING, OKLAHOMA 74023-0311 • (918) 225-2394

PROCLAMATION

WHEREAS, the Cushing Board of Commissioners has adopted a Fair Housing Ordinance and has designated April as Fair Housing Month; and

WHEREAS, the Board of Commissioners has further designated the Code Enforcement Officer as the Fair Housing Activities Coordinator; and

WHEREAS, the designation of a Fair Housing Month also affords the opportunity to heighten community awareness and foster positive attitudes toward open housing.

NOW, THEREFORE, I, John R. Henckel, Chairman of the Board of Commissioners of the City of Cushing, Oklahoma, do hereby proclaim April, 2009 as

"FAIR HOUSING MONTH"

in the City of Cushing and decree that all citizens affirm to follow the concepts, practices, and intent embodied by the laws of the United States of America, the State of Oklahoma, and the City of Cushing in regard to fair housing. Further, the City of Cushing requests that any person, or group of persons, planning activities to promote fair housing to inform the City's Fair Housing Activities Coordinator of said activities. It is the desire of the City of Cushing to recognize those persons or groups who create an awareness of the need for or otherwise promotes fair practices and equal opportunities in housing. I encourage everyone to become aware of and supportive of maximizing the concept of equal opportunities in housing.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the great seal of the City of Cushing, Oklahoma to be affixed this 20th day of April, 2009.

John R. Henckel, Chairman
Board of Commissioners

ATTEST:

Cindy Manning, City Clerk

ARTICLE I. IN GENERAL

Secs. 54-1—54-30. Reserved.

ARTICLE II. FAIR HOUSING

Sec. 54-31. Purpose.

The general purposes of this article are:

- (1) To secure for all people equal access to housing in all neighborhoods; and
- (2) To preserve the public safety, health and welfare.

(Code 1974, § 1-104; Code 1985, § 11-16)

Sec. 54-32. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board means the fair housing board.

Complainant means a person, the commission, or the attorney general, who files a complaint pursuant to section 54-37.

Conciliation means the attempted resolution of issues raised by a complaint or by the investigation of the complaint, through informal negotiations involving the aggrieved person, the respondent, and the board.

Discriminatory housing practices means an act that is prohibited pursuant to section 54-34.

Dwelling means:

- (1) Any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residency by one or more families; or
- (2) Any vacant land that is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure as described by subsection (1) of this definition.

Family includes a single individual.

Handicap means a mental or physical impairment that substantially limits at least one major

life activity, when there is a record of such an impairment, or the individual is regarded as having such an impairment. The term does not include current illegal use of or addiction to any drug or illegal or federally controlled substance. For purposes of this article, the term "an individual with a handicap" or "handicap" does not apply to an individual because of sexual orientation or the sexual preference of the individual or because that individual is a transvestite.

Person means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries, the state, and all political subdivisions and agencies thereof.

Person aggrieved means any person who:

- (1) Claims to have been injured by a discriminatory housing practice; or
- (2) Believes that he will be injured by a discriminatory housing practice that is about to occur.

Respondent means the person accused of a violation of this article in a complaint of a discriminatory housing practice.

Restrictive covenants means any specification limiting the transfer, rental, or lease of any dwelling because of race, color, religion, sex, national origin, age, handicap or familial status.

To rent includes to lease, to sublease, to let, or to otherwise grant for a consideration the right to occupy premises not owned by the occupant.

Unlawful discriminatory practice because of age means an act prohibited pursuant to section 54-34 against a person at least 18 years of age or older solely on that basis.

Cross reference—Definitions generally, § 1-2.

State law reference—Similar provisions, 25 O.S. § 1451.

Sec. 54-33. Familial status.

For the purposes of this article, a discriminatory act is committed because of familial status only if the act is committed because the person who is the subject of discrimination is:

- (1) Pregnant;

- (2) Domiciled with an individual less than 18 years of age in regard to whom the person:
 - a. Is the parent or legal custodian;
 - b. Has the written permission of the parent or legal custodian for domicile with that person; or
- (3) In the process of obtaining legal custody of an individual less than 18 years of age.
 State law reference—Similar provisions, 25 O.S. § 1451.

Sec. 54-34. Discriminatory housing practices.

(a) It shall be an unlawful discriminatory housing practice for any person, or any agent or employee of such person:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of any housing, or otherwise make unavailable or deny any housing because of race, color, religion, gender, national origin, age, familial status, or handicap;
- (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of housing, or in the provision of services or facilities in connection with any housing because of race, color, religion, gender, national origin, age, familial status, or handicap;
- (3) To make, print, publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of housing that indicates any preference, limitation, discrimination, or intention to make any such preference, limitation, or discrimination because of race, color, religion, gender, national origin, age, familial status, or handicap;
- (4) To represent to any person, for reasons of discrimination, that any housing is not available for inspection, sale, or rental when such housing is in fact so available because of race, color, religion, gender, national origin, age, familial status, or handicap;
- (5) To deny any person access to, or membership or participation in, a multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against a person in the terms or conditions of access, membership, or participation in such an organization, service, or facility because of race, color, religion, gender, national origin, age, familial status, or handicap;
- (6) To include in any transfer, sale, rental, or lease of housing any restrictive covenant that discriminates, or for any person to honor or exercise, or attempt to honor or exercise, any discriminatory covenant pertaining to housing because of race, color, religion, gender, national origin, age, familial status, or handicap;
- (7) To refuse to consider the income of both applicants when both applicants seek to buy or lease housing because of race, color, religion, gender, national origin, age, familial status, or handicap;
- (8) To refuse to consider as a valid source of income any public assistance, alimony, or child support, awarded by a court, when that source can be verified as to its amount, length of time received, regularity, or receipt because of race, color, religion, gender, national origin, age, familial status, or handicap;
- (9) To discriminate against a person in the terms, conditions, or privileges relating to the obtaining or use of financial assistance for the acquisition, construction, rehabilitation, repair, or maintenance of any housing because of race, color, religion, gender, national origin, age, familial status, or handicap;
- (10) To discharge, demote, or discriminate in matters of compensation or working conditions against any employee or agent because of the obedience of such employee or agent to the provisions of this section;

- (11) To solicit or attempt to solicit the listing of housing for sale or lease, by door to door solicitation, in person, or by telephone, or by distribution of circulars, if one of the purposes is to change the racial composition of the neighborhood;
- (12) To knowingly induce or attempt to induce another person to transfer an interest in real property, or to discourage another person from purchasing real property, by representations regarding the existing or potential proximity of real property owned, used, or occupied by persons of any particular race, color, religion, gender, national origin, age, familial status or handicap, or to represent that such existing or potential proximity shall or may result in:
 - a. The lowering of property values;
 - b. A change in the racial, religious, or ethnic character of the block, neighborhood, or area in which the property is located;
 - c. An increase in criminal or antisocial behavior in the area; or
 - d. A decline in quality of the schools serving the area;
- (13) To refuse to rent or lease housing to a blind, deaf, or handicapped person on the basis of the person's use or possession of a bona fide, properly trained guide, signal, or service dog;
- (14) To demand the payment of an additional nonrefundable fee or an unreasonable deposit for rent from a blind, deaf, or handicapped person for such dog. Such blind, deaf, or handicapped person may be liable for any damage done to the dwelling by such dog;
- (15) a. To discriminate in the sale or rental or otherwise make available or deny a dwelling to any buyer or renter because of a handicap of:
 - 1. That buyer or renter;
 - 2. A person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
 - 3. Any person associated with that buyer or renter;
- b. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a handicap of:
 - 1. That person;
 - 2. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - 3. Any person associated with that person;
- (16) For purposes of handicap discrimination in housing pursuant to this article, discrimination includes:
 - a. A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, provided that such person also provides a surety bond guaranteeing restoration of the premises to their prior condition, if necessary to make the premises suitable for nonhandicapped tenants;
 - b. A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or
 - c. In connection with the design and construction of covered multifamily dwellings for first occupancy 30 months after the date of enactment of the federal Fair Housing Amendments Act of 1988 (Public Law 100-430), a failure to design and construct those dwellings in a manner that:
 - 1. The public use and common use portions of the dwellings

- are readily accessible to and usable by handicapped persons;
- 2. All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
- 3. All premises within the dwellings contain the following features of adaptive design:
 - i. An accessible route into and through the dwelling;
 - ii. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - iii. Reinforcements in bathroom walls to allow later installation of grab bars; and
 - iv. Usable kitchen and bathrooms so that an individual in a wheelchair can maneuver about the space;
- 4. Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people, commonly cited as "ANSI A 117.1", suffices to satisfy the requirements of subsection (a)(16)c.3 of this section;
- 5. As used in this subsection, the term "covered multifamily dwellings" means:
 - i. Buildings consisting of four or more units if the buildings have one or more elevators; and
 - ii. Ground floor units in other buildings consisting of four or more units;
- 6. Nothing in this subsection requires that a dwelling be made

available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others;

- (17) a. A person whose business includes engaging in residential real estate related transactions may not discriminate against a person in making a real estate related transaction available or in the terms or conditions of a real estate related transaction because of race, color, religion, gender, handicap, familial status, national origin or age;
- b. In this subsection, the term "residential real estate related transaction" means:
 - 1. Making or purchasing loans or providing other financial assistance:
 - i. To purchase, construct, improve, repair, or maintain a dwelling;
 - ii. To secure residential real estate; or
 - 2. Selling, brokering, or appraising residential real property;

(18) This section does not prohibit discrimination against a person because the person has been convicted under federal law or the law of any state of the illegal manufacture or distribution of a controlled substance.

(b) No other categories or classes of persons are protected pursuant to this article.

(Code 1974, § 1-105; Code 1985, § 11-17)

State law reference—Similar provisions, 25 O.S. § 1452.

Sec. 54-35. Exempt practices and acts.

Nothing provided for in this article shall:

- (1) Prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a

religious organization, association, or society, from limiting the sale, rental, or occupancy of housing which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preferences to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this article apply to a private membership club which is a bona fide club and which is exempt from taxation pursuant to Section 501 (c) of the Internal Revenue Code of 1954;

- (2) Prohibit a religious organization, association, or society, or a nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from:
 - a. Limiting the sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion; or
 - b. Giving preference to persons of the same religion, unless membership in the religion is restricted because of race, color, or national origin;
- (3) Prohibit a private club not open to the public that, as an incident to its primary purpose, provides lodging that it owns or operates for other than a commercial purpose from limiting the rental or occupancy of that lodging to its members or from giving preference to its members;
- (4) Nothing provided for in this article relating to familial status applies to housing for older persons. As used in this section, the term "housing for older persons" means housing:
 - a. That the fair housing board determines is specifically designed and operated to assist elderly persons pursuant to a federal or state program;

- b. Intended for, and solely occupied by, persons 62 years of age or older; or
 - c. Intended and operated for occupancy by at least one person 55 years of age or older per unit as determined by fair housing board rules;
- (5) a. Subject to subsection (5)a.1.(ii). of this section, this article does not apply to:
 1. The sale or rental of a single-family house sold or rented by an owner if:
 - i. The owner does not:

Own more than three single-family houses at any one time; or

Own any interest in, or is there owned or reserved on his behalf, pursuant to any express or voluntary agreement, title to or any right to any part of the proceeds from the sale or rental of more than three single-family houses at any one time; and
 - ii. The house was sold or rented without:

The use of the sales or rental facilities or services of a real estate broker, agent, or salesperson licensed pursuant to the Oklahoma Real Estate License Code (59 O.S. § 858-101 et seq.), or of an employee or agent of a licensed broker, agent, or salesperson, or the facilities or services of the owner of a dwelling designed or intended for occupancy by five or more families; or

The publication, posting, or mailing of a notice, statement, or advertisement prohibited by section 54-34; or

2. The sale or rental of rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner maintains and occupies one of the living quarters as the owner's residence;
- b. The exemption in subsection (5)a.1. of this section applies to only one sale or rental in a 24-month period, if the owner was not the most recent resident of the house at the time of the sale or rental;
- (5) Nothing provided for in this article shall prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, age, religion, gender, handicap, familial status, or national origin;
- (6) Nothing provided for in this article shall affect a reasonable local or state restriction on the maximum number of occupants permitted to occupy a dwelling or restriction relating to health or safety standards;
- (7) Nothing provided for in this article shall prevent or restrict the sale, lease, rental, transfer, or development of housing designed or intended for the use of the handicapped;
- (8) Nothing provided for in this article shall affect a requirement of nondiscrimination in any other state or federal law;
- (9) Nothing provided for in this article shall prohibit the transfer of property by will, intestate succession, or by gift.

(Code 1974, § 1-106; Code 1985, § 11-18)

State law reference—Similar provisions, 25 O.S. § 1453.

Sec. 54-36. Fair housing board.

There is hereby created a fair housing board of the city composed of five members, appointed by the city manager for terms of three years each. It shall be the duty of the fair housing board to:

- (1) Initiate, receive and investigate complaints, charging unlawful housing practices;

- (2) Seek conciliation of such complaints, hold hearings, make findings of fact and publish its findings of fact;
- (3) Adopt such rules and regulations as may be necessary within the limits of this article, and carry out the purposes and provisions of this article.

(Code 1974, §§ 1-107, 1-108; Code 1985, § 11-19)

Cross reference—Boards and commissions, § 2-101 et seq.

Sec. 54-37. Complaint procedure.

(a) Any person aggrieved by a discriminatory practice prohibited by this article may file with the fair housing board a complaint in writing, under oath. Such complaint shall be signed by the person claiming to be aggrieved, and shall state the name and address of the person alleged to have violated the provisions of this article, and shall further set forth the particulars of such violation, and may include such other information as may be required by the board. Complaints filed under this section must be filed within 30 days after the alleged violation, and failure to file within such time shall be considered a waiver of the application of this article. The fair housing board may issue a complaint on its own initiative, at any time it is within the knowledge of the fair housing board that a person has violated any of the provisions of this article.

(b) The board shall investigate each complaint filed with the fair housing board, and shall attempt an adjustment of such complaint by means of conference and conciliation. Sixty days shall be allowed for the purpose of investigation, conference and conciliation. Upon determination that a complaint is not well founded, the fair housing board shall dismiss such complaint and notify the complainant and respondent in writing of such dismissal. If it appears that the complaint might have merit, the complainants shall be advised of their rights under existing state and federal laws.

(c) If conference or conciliation does not result in compliance with this article, the fair housing board shall cause to be issued and served in the name of the city, a written notice, together with a copy of such complaint, requiring the person named in such complaint, hereinafter referred to

as respondent, to answer charges of such complaint at a hearing before the fair housing board at a time and place to be specified in the notice.

(d) At the hearing, provided for in subsection (c) of this section, the complaint shall be heard by the fair housing board. At the hearing, the complainant or person aggrieved may appear in person and/or by counsel, and the respondent may file a written answer to the complaint and may appear in person or by legal counsel. The fair housing board, when conducting any hearing, pursuant to this section, may permit amendments to any complaint or answer, and the testimony taken at the hearing shall be under oath, and shall be transcribed at the request of either party, or at the direction of the board, the party requesting the transcription to be responsible for the costs thereof. If the fair housing board finds at such hearing that the respondent has engaged in any discriminatory practice or practices prohibited by this article, it shall state its findings of fact and shall so certify the matter to the city attorney for appropriate action. No prosecution shall be brought under this article except upon such certification.

(e) If the fair housing board, upon hearing, finds that the respondent has not engaged in any discriminatory practice, it shall state its findings of fact and shall issue and file an order dismissing the complaint. The fair housing board shall establish rules and regulations to govern and expedite and effectuate the foregoing procedure, and shall maintain the files provided for in this section.

(f) All notices required under the provisions of this section to be served personally on such person, or by mailing a copy thereof by certified or registered mail, with return receipt requested, to the most current business or resident address of such person.

(Code 1974, § 1-109; Code 1985, § 11-20)

Chapters 55—57

RESERVED

PERSONNEL HANDBOOK

for the

CITY OF CUSHING

Effective July 1, 1998

CITY COMMISSION

Joe R. Manning, Jr., Chairman
Dr. Lee R. Denney, Vice Chairman
Robert T. Basinger, Member
Kent A. Burris, Member
Rodger Floyd, Member

Robert H. Collings, City Manager
Stephen R. Spears, Asst. City Manager/Engineer
J. Stewart Arthurs, City Attorney
Cindy Vickers, City Clerk
Alberteen Flint, City Treasurer

EMPLOYEE'S COMMITTEE

Brenda Butcher
Tommy Dennis
Karen Jones
John McColey
Rosalee Maynard
Mike Meisenheimer
Leon Rippee
Jane Wilson

RELATIONSHIP TO UNION CONTRACTS: Nothing in this manual should be construed to be in conflict with any provision in any current, approved contract with any recognized bargaining group. In the event of a difference in policy, the provision in the current contractual agreement shall prevail.

1.2 EMPLOYMENT AT WILL

All employees of the City are employed at will and, as such, are free to resign at any time without reason. The City, likewise, retains the right to terminate an employee at any time for the good of the service. Nothing contained in these policies or any other document provided to an employee is intended to be, nor should it be, construed as a guarantee that employment, any particular benefit, or any specific working condition will be continued for any period of time.¹

1.3 EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the City to provide equal opportunity in employment and to prohibit discrimination in the total employment process on the basis of race, color, religion, ethnic or national origin, age, sex, or disability. The total employment process includes recruitment, hiring, placement, promotion, transfer, training, compensation, demotion, disciplinary action, termination, benefits, job evaluation, performance appraisal, and all conditions of employment.

The City Commission, the City Manager and all Department Supervisors are responsible for ensuring adherence to the City's Equal Employment Opportunity policy.

Individual employees are responsible for refraining from use of racial, sexual and/or ethnic epithets or harassment of other employees for any reason, or any other behavior which could be viewed as discriminatory.

1.4 DISABILITY ACCOMMODATION

Specific job descriptions will be developed and written for each position. These job descriptions contain all "essential functions" required for the particular position. These job descriptions also identify the basic physical requirements for each position. Should a "qualified individual with a disability" wish to apply for

¹ Excluding those employees covered by an approved negotiated bargaining agreement.